

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EVOLVE INTERACTIVE LLC)	
)	
Plaintiff,)	
)	Civil Action No. 1:21-cv-444-MN
v.)	
)	JURY TRIAL DEMANDED
UNITED AIRLINES, INC.)	
)	
Defendant.)	
_____)	

PLAINTIFF'S REPLY TO DEFENDANT'S COUNTERCLAIMS

Plaintiff Evolve Interactive LLC ("Evolve Interactive") replies to the counterclaims set forth by Defendant United Airlines, Inc. ("Defendant") in Defendant's Answer, Affirmative Defenses, and Counterclaims of Defendant (the "Counterclaim").

PARTIES

1. Evolve Interactive admits the allegations of paragraph 1.
2. Evolve Interactive admits the allegations of paragraph 2.

JURISDICTION

3. The allegations of paragraph 3 are legal conclusions and do not require a responsive pleading. To the extent a response is required, Evolve Interactive admits the Court has jurisdiction over this judicial action.

4. The allegations of paragraph 4 are legal conclusions and do not require a responsive pleading. To the extent a response is required, Evolve Interactive does not dispute that this Court has personal jurisdiction over it for this action.

5. The allegations of paragraph 5 are legal conclusions and do not require a responsive pleading. To the extent a response is required, Evolve Interactive admits that venue is proper in this district.

COUNT ONE – DECLARATION OF NONINFRINGEMENT OF U.S. PATENT NO. 7,068,596

6. Evolve Interactive incorporates by reference each and every response to the allegations contained in paragraphs 1-5 as if fully set forth herein.

7. Evolve Interactive admits the allegations of paragraph 7.

8. The allegations of paragraph 8 are legal conclusions and do not require a responsive pleading. To the extent a response is required, Evolve Interactive does not dispute that there is an actual controversy between Evolve Interactive and Defendant regarding Defendant's infringement of U.S. Patent No. 7,068,596 (the "596 patent"), which is presumed to be valid.

9. Evolve Interactive denies the allegations of paragraph 9.

10. Evolve Interactive denies the allegations of paragraph 10.

11. Evolve Interactive denies the allegations of paragraph 11.

12. Evolve Interactive denies the allegations of paragraph 12.

COUNT TWO – DECLARATION OF INVALIDITY OF U.S. PATENT NO. 7,068,596

13. Evolve Interactive incorporates by reference each and every response to the allegations contained in paragraphs 1-12 as if fully set forth herein.

14. Evolve Interactive denies the allegations of paragraph 14.

15. Evolve Interactive denies the allegations of paragraph 15.

16. Evolve Interactive denies the allegations of paragraph 16.

17. The allegations of paragraph 17 include an introductory statement to which no response is required. To the extent a response is required, Evolve Interactive denies it has not provided sufficient detail regarding how United infringes.

18. Evolve Interactive denies the allegations of paragraph 18.

19. Evolve Interactive denies the allegations of paragraph 19.

GENERAL DENIAL

Evolve Interactive denies each and every allegation of the Counterclaim that is not expressly admitted or to which Evolve Interactive has not specifically responded.

AFFIRMATIVE DEFENSES

By way of further answer, as Affirmative Defenses to the Counterclaim, and without assuming any burden that it would not otherwise have, Evolve Interactive states as follows:

FIRST AFFIRMATIVE DEFENSE

Defendant's Counterclaim fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Evolve Interactive expressly reserves the right to assert any other legal or equitable defenses to which it is entitled.

PRAYER FOR RELIEF

WHEREFORE, Evolve Interactive denies Defendant is entitled to any judgment or relief in its favor, including the relief sought in the Defendant's Prayer For Relief in Defendant's Counterclaim, and Evolve Interactive requests entry of judgment against Defendant as follows:

- a. Dismiss Defendant's Counterclaim in its entirety;
- b. Grant the relief sought in Evolve Interactive's Complaint;

c. Grant the case be declared exceptional pursuant to 35 U.S.C. § 285 and that Evolve Interactive shall recover from Defendant all of Evolve Interactive' reasonable expenses, including costs and attorneys' fees incurred in defending against Defendant's Counterclaim; and

d. Grant to Evolve Interactive such other relief as the Court may deem just and proper.

DEFENDANT'S DEMAND FOR JURY TRIAL

To the extent a response is required, Evolve Interactive does not dispute that the Counterclaim purports to seek a trial by jury. Evolve Interactive repeats its demand for a trial by jury on all issues so triable.

Dated: July 8, 2021

STAMOULIS & WEINBLATT LLC

/s/ Richard C. Weinblatt

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CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2021, I electronically filed the above document(s) with the Clerk of Court using CM/ECF, which will send electronic notification of such filing(s) to all registered counsel.

/s/ Richard C. Weinblatt
Richard C. Weinblatt